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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th November, 1973:—

BILL No. 56 OF 1973

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1973.

(*2*) It shall come into force atonce.

Amendment of article 1.

2. In article 1 of the Constitution, after clause (*3*), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—In this article 'territory of India' includes any territory which has at any time been claimed by the Union of India, including the Prime Minister, as Indian territory and/or has been in the possession of India any time after Independence.".

Amendment of article 3.

3. In article 3, after the existing proviso, the following further proviso shall be inserted, namely:—

"Provided further that it shall not be lawful for Parliament to transfer any part of the territory of India to any foreign power whether under a treaty or agreement or otherwise.".

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not describe in detail the territories comprised in the constituent States, Union territories, or the territories as may be acquired. However, the Government has always claimed that the boundaries of India are clear, well-known and well-recognised. And the Supreme Court, in the Berubari case, has held that no part of Indian territory can be transferred by the Government to a foreign power in pursuance of an agreement by executive fiat by an ordinary Act of Parliament. Acquisition or cession of territory, being an attribute of sovereignty, cannot be said to be beyond the competence of a sovereign State, but in order to give effect to this, the Supreme Court held, an amendment of the Constitution will be necessary.

In order to circumvent this decision of the Supreme Court, the Government of India took absurd position in regard to the Kutch issue that since the territory awarded by the Kutch Tribunal to Pakistan was not Indian territory at all but was only in the "adverse possession" of India, no amendment of the Constitution or legislation would be required to transfer this territory to Pakistan.

From the common-sense point of view it is obvious that the territory of India is the territory which the Government has claimed to be our territory from time to time. But in view of the Government's anti-national stand it has become necessary to make the position clear by further elaborating the constitutional provision in this regard.

NEW DELHI; MADHU LIMAYE.
The 15th June, 1973.

BILL NO. 59 OF 1973

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and Commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1973.

(2) It shall come into force at once.

Amendment of article 74.

2. In article 74 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions, whose strength shall not exceed one-twelfth of the elected members of the House of the People".

3. In article 163 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:— Amendment of article 163.

"(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion, whose strength shall not exceed one-twelfth of the elected members of the Legislative Assembly of the State.".

STATEMENT OF OBJECTS AND REASONS

It is true that in a Parliamentary form of Government it is the privilege of the Prime Minister/Chief Minister to choose the members of the Council of Ministers. It is also his right to decide the total number of such Ministers in order efficiently to carry on the work of the Administration.

However, of late, expansion of the Cabinet has been used by the ruling Congress Party to perpetuate itself in office and Opposition Parties too, when in power in several States, were found unable to resist the temptation of emulating this bad example.

In order to prevent the abuse of the privilege and right conferred by the Constitution under articles 75 and 164, it has now become necessary to restrict by a Constitutional amendment the size of the Council of Ministers both at the Centre as well as in the States.

Even under a written Constitution everything cannot be provided for by the provisions of the Constitution. Certain healthy conventions and rules of conduct have to be developed, and the ruling Party should take the lead in evolving them. However, the experience of the past 26 years shows that the initiative for this cannot come from the Congress Party. Infact the unanimous recommendation of the Defections Committee in this regard has been omitted by the Government in its anti-democratic Prevention of Defection Bill introduced in the last Budget session in Lok Sabha.

I am, therefore, compelled to introduce this Constitution Amendment Bill to fill the gap left by the failure of the political parties in India and, above all the Congress Party, to lay down healthy conventions in this regard. After all, addition of every new Minister means extra expenditure in terms of emoluments, allowances and amenities and restrictions on the size of the Ministries cannot but be welcomed by the tax-payers in this country.

MADHU LIMAYE.

NEW DELHI;
The 15th June, 1973.

BILL NO. 70 OF 1973

A Bill further to amend the Cantonments Act, 1924

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Cantonments (Amendment) Act, 1973.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint which shall not be later than 100 days after it receives assent of the President.

Amendment of section 13.

11 of 1924.

2. In the Cantonments Act, 1924 (hereinafter referred to as the principal Act), in section 13,—

(*a*) in sub-section (3),—

(*i*) clauses (*b*) and (*e*) shall be omitted;

(*ii*) in clause (*f*), for the word "seven", the word "twelve" shall be substituted;

(*b*) in sub-section (4),

(*1*) clause (*b*) shall be omitted;

(2) for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) (*i*) in cantonments of which the civil population exceeds seven thousand five hundred, ten members to be elected under this Act;

(*ii*) in cantonments of which the civil population exceeds five thousand, but does not exceed seven thousand five hundred, nine members to be elected under this Act;

(*iii*) in cantonments of which the civil population exceeds two thousand five hundred, but does not exceed five thousand, eight members to be elected under this Act.";

(3) clause (*f*) shall be omitted.

(*c*) in sub-section (*5*),

(*1*) clause (*b*) shall be omitted;

(2) for clause (c), the following clause shall be substituted, namely:—

"(*c*) (*i*) in cantonments of which civil population exceeds one thousand five hundred, three members elected under this Act;

(ii) in cantonments of which civil population exceeds one thousand but does not exceed one thousand and five hundred, two members elected under this Act."

(*d*) sub-section (*6*) shall be omitted.

Omission of section 14.

3. Section 14 of the principal Act shall be omitted.

Amendment of section 15.

4. In section 15 of the principal Act, in sub-section (*1*), for the words "three years", the words "five years" shall be substituted.

Amendment of section 17.

5. In section 17 of the principal Act,—

(*a*) in sub-section (*1*), for the words "the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected", the words "a re-election to fill the vacancy or vacancies shall be held" shall be substituted.

(*b*) in sub-section (*2*), for the words "shall be filled by nomination by the Central Government with the concurrence of the Officer Commanding-in-chief, the Command," the words "shall be filled by the President of the Cantonment Board with the concurrence of the Vice-President." shall be substituted.

Amendment of section 19

6. In section 19 of the principal Act, in sub-section (*1*), the words "to the Officer Commanding-in-Chief, the Command," shall be omitted.

Amendment of section 20.

7. In section 20 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The President shall be elected by the members of the Board from amongst its members."

(*b*) sub-section (*2*) shall be omitted.

(*c*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*2*) The Vice-President shall be elected by the members of the Board from among its members."

Amendment of section 21.

8. (*1*) In section 21 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The term of the office of the President shall be five years or the residue of his term as a member of the Board, whichever is less."

(*b*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The term of the office of the Vice-President shall be five years or the residue of his term as a member of the Board, whichever is less."

(*c*) after sub-section (*2*), the following new sub-section shall be added, namely:—

"(*3*) The Vice-President may resign his office by notice in writing to the President and on his resignation being accepted by the Board the office shall be filled by a member of the Board."

Amendment of section 22.

9. In section 22 of the principal Act, sub-section (*4*) shall be omitted.

Omission of section 25.

10. Section 25 of the principal Act shall be omitted.

Amendment of section 39.

11. In section 39 of the principal Act, for sub-sections (*1*) and (*1A*), the following sub-section shall be substituted, namely:—

"(*1*) The quorum necessary for the transaction of the business at a meeting of a Board shall be determined in accordance with the rules framed under this Act."

Amendment of section 40.

12. In section 40 of the principal Act—

(*i*) in clause (*a*), the words "in which there is more than one elected member" shall be omitted.

(*ii*) clause (*b*) shall be omitted.

Omission of section 49.

13. Section 49 of the principal Act Shall be omitted.

Omission of section 50.

14. Section 50 of the principal Act shall be omitted.

Amendment of section 51.

15. In section 51 of the principal Act, sub-sections (*1*) and (*3*) shall be omitted.

Amendment of section 52.

16. In section 52 of the principal Act,—

(*i*) in clause (*b*) of sub-section (*1*), for the words "which has been referred to him under sub-section (*1*) of section 51", the words "mentioned in sub-section (*2*) of section 51," shall be substituted.

(*ii*) in sub-section (*2*), for the words "When any decision of a Board has been referred to him under sub-section (*1*) of section 51," the words "with regard to any decision of a Board mentioned in sub-section (*2*) of section 51," shall be substituted.

Amendment of section 72.

17. In section 72 of the principal Act, for the words "at least once in every three years", the words "at least once in every five years," shall be substituted.

Omission of section 78.

18. Section 78 of the principal Act shall be omitted.

Amendment of section 99A.

19. In section 99A of the principal Act, the words "after having obtained the concurrence of the Board" shall be added at the end.

Amendment of section 101.

20. In section 101 of the principal Act, in sub-section (*1*), the words "with the previous sanction of the Officer Commanding-in-Chief, the Command," shall be omitted.

Amendment of section 102.

21. In section 102 of the principal Act, the proviso shall be omitted.

Amendment of section 107.

22. In section 107 of the principal Act, in sub-section (*3*), the words "with the previous sanction of the Officer Commanding-in-Chief, the Command," shall be omitted.

23. In section 109 of the principal Act, clause (d) of the second proviso shall be omitted. Amendment of section 109.

24. In section 134 of the principal Act, in sub-section (*2*), the words "with the previous sanction of the Officer Commanding-in-Chief, the Command," shall be omitted. Amendment of section 134.

25. In section 138 of the principal Act, in sub-section (*1*),— Amendment of section 138.

(*i*) for clauses (*a*), (*b*) and (*c*), the following clause shall be substituted, namely:—

"(*a*) the civil area committee of the Cantonment Board,"

(*ii*) clause (d) shall be re-lettered as clause (*b*).

26. In section 141 of the principal Act, in sub-section (*1*), after the words "the Executive Officer may," the words "with the consent of the Board," shall be inserted. Amendment of section 141.

27. Section 178 of the principal Act shall be omitted. Omission of section 178.

28. In section 181 of the principal Act,— Amendment of section 181.

(*a*) sub-section (*3*) shall be omitted;

(*b*) in sub-section (*6*), the proviso shall be omitted.

29. In section 184 of the principal Act, clause (*c*) shall be omitted. Amendment of section 184.

30. In section 185,— Amendment of section 185.

(*a*) the second proviso to sub-section (*1*) shall be omitted.

(*b*) sub-section (*2*) shall be omitted.

31. In section 192 of the principal Act, in sub-section (*1*), for the words "without the previous sanction of the Officer Commanding-in-Chief, the Command", the words "without the concurrence of the Officer Commanding, the Station" shall be substituted. Amendment of section 192.

32. In section 200 of the principal Act, clause (*b*) of the proviso shall be omitted. Amendment of section 200.

33. In section 242 of the principal Act, the words "With the previous sanction of the President," shall be omitted. Amendment of section 242.

STATEMENT OF OBJECTS AND REASONS

The Cantonments Act, 1924 is a piece of obsolescent and outdated legislation wholly out of tune with the conditions of freedom and democracy. It is a negation of the principles of local self-government.

The Act packs the Cantonment Boards with nominated military officers and magistrates and unnecessarily restricts the scope of the elective principle. It confers on the officers not only vast powers of an emergency character but also dictatorial powers in normal times. It also gives veto to the Presidents of the Cantonment Boards who are generally the Officers Commanding the Stations to thwart the will of the elected majority.

These amendments seek to democratise the administration of the Cantonments by introducing the principle of election and responsibility to the elected representatives of the people. The Bill is designed to give effect to the long overdue changes in the Cantonment administration.

NEW DELHI; MADHU LIMAYE.

The 15th June, 1973.

BILL NO. 58 OF 1973

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Companies (Amendment) Act, 1973.

1 of 1956. (*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 252.

2. In section 252 of the Companies Act, 1956 (hereinafter referred to as the principal Act) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) At least one-third of the directors shall be elected by the employees of the company, provided that there shall be at least one representative so elected on the Board of every public company in such manner as may be prescribed by the Central Government by notification in the Official Gazette."

Insertion of new section 255A.

3. After section 255 of the principal Act, the following new section shall be inserted, namely:—

Election of directors to be by ballot.

"255A. The election of directors other than those to be elected by the employees of the public company under section 255 shall be held by ballot and by distributive vote, that is to say, every shareholder at this meeting shall be entitled to cast as many votes as there are directors to be elected by the shareholders at the annual general meeting of the company so as to secure representation for minority opinion among the general body of the shareholders."

Amendment of section 275.

4. In section 275 of the principal Act, for the words "twenty companies", the words "ten companies" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

During the discussion on the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1969, I moved an amendment seeking to provide representation, among others, to bank employees, on the Board of Directors of the 14 nationalised banks. The amendment secured enthusiastic support in Parliament and was ultimately accepted by the Government. Similarly, in a discussion on the Calling Attention Notice on the Bennett Coleman Company, which publishes the Times of India Group of newspapers, I made a suggestion that although this was a public limited company in the private sector, its Board should contain representatives of the working journalists and other employees of the Company. The Minister of State described the suggestion as execellent and promised to consider it. Unfortunately the Government have done nothing to implement this principle.

The principal of workers' participation in management must be applied not only to public sector undertakings but should also be introduced (in public limited companies) in the private sector as well. Participation by the elected representatives of the employees in the top management of the companies will not only act as a check on the malpractices that are rampant but will also enable the workers to put across their point of view at the highest level, and acquire an intimate knowledge of the working of the company, including its financial condition, without which neither will there be a sense of responsibility among the workers nor will they be able to make a useful and constructive contribution to the increasing of company's efficiency and productivity per man hour of labour.

This Bill makes a beginning in this regard.

The Bill also provides for representation of minority opinion on the Boards of Directors of the Company by changing the system of voting at the election of these directors. This principle, too, has been widely acclaimed in progressive business circles, and its enactment into law is now overdue.

The Bill further seeks to reduce concentration of economic and industrial power in the hands of a few persons by reducing the number of directorships which any single individual can hold from 20 to 10.

Altogether these three amendments will help further to democratise the structure of company management and also reduce concentration of money power in the hands of a few persons.

NEW DELHI; MADHU LIMAYE.

The 15th June, 1973.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill provides for the framing of rules under section 252 of the Companies Act, 1956, with regard to representation of the employees of the company.

The delegation of legislative power is, therefore, of a normal character.

BILL No. 72 OF 1973

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1973. Short title.

2. In article 371 of the Constitution, after clause (2), the following clause shall be inserted, namely:— Amendment of article 371.

"(3) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Orissa, provide for any special responsibility of the Governor for—

(*a*) the establishment of separate development boards for the three revenue divisions *i.e.* the Northern (Sambalpur) Division, Southern (Berhampur) Division and Central (Cuttack) Division with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(*b*) the equitable allocation of funds for developmental expenditure over the said areas, subject to the requirements of the State as a whole; and

(*c*) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of State as a whole.".

STATEMENT OF OBJECTS AND REASONS

A study of the developmental expenditure and availability of educational facilities and employment opportunities in the three revenue divisions of Orissa in the past 25 years reveals that certain areas get preferential treatment from the Government at the cost of other areas. As the State has three revenue divisions, allotment of developmental expenditure, educational facilities and employment opportunities under the control of the Government of Orissa should be proportionately available to all parts of the State. Under article 371 of the Constitution, similar provisions have been made in respect of the States of Andhra Pradesh and Maharashtra.

Hence this Bill.

P. K. DEO.

NEW DELHI;

The 30th July, 1973.

BILL No. 81 OF 1973

A Bill further to amend the Prevention of Food Adulteration Act, 1954

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and commencement

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1973.

37 of 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 16.

2. In section 16 of the Prevention of Food Adulteration Act, 1954, sub-section (1) and (1A) shall be renumbered as (1A) and (1AA) respectively, and before section (1A) as so renumbered, the following new sub-section shall be inserted, namely:—

"16. (1) If any person whether by himself or by any other person on his behalf imports into India or manufactures for sale any article of food which is adulterated or misbranded or the sale of which

is prohibited by the Food (Health) authority in the interest of public health and the consumption of the said article of food is likely to result in death or permanent or temporary disablement, he shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years and shall also be liable to fine:

Provided that in case where the consumption is injurious to health but is not likely to result in death or permanent or temporary disablement, he shall be punished with imprisonment for a term which shall not be less than three years but which may extend to six years and with fine which shall not be less than one thousand rupees.".

STATEMENT OF OBJECTS AND REASONS

The adulteration of food for human consumption has become one of the gravest social menace today. There have been instances in the past when a large number of people have lost their lives or have become disabled for life by taking adulterated food. The punishment laid down in the Prevention of Food Adulteration Act, 1954 is insignificant compared to the gravity of the offence. To combat this social menace, it is necessary to enhance the punishment, particularly in cases of adulteration and manufacture of adulterated food which is gravely detrimental and injurious to human health. The proposed amendment provides for imprisonment for life or imprisonment for a term of 10 years in some cases and a minimum imprisonment of 3 years in some other cases.

NEW DELHI;
The 31st July, 1973.

DINESH CHANDRA GOSWAMI

BILL NO. 82 OF 1973

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1973.

Amendment of article 58.

2. In article 58 of the Constitution, for sub-clause (*b*) of clause (*1*), the following sub-clause shall be substituted, namely:—

"(*b*) has completed the age of thirty-five years and is less than sixty years of age, and".

Amendment of article 59.

3. In article 59 of the Constitution, after clause (2), the following clauses shall be inserted, namely:—

"(*2A*) The President shall cease to hold the office of the President on attaining the age of sixty-five years.

(*2B*) The age of the President shall be determined by such authority and in such manner as Parliament may by law provide."

Amendment of article 75.

4. In article 75 of the Constitution,—

(*i*) after clause (*1*), the following clauses shall be inserted, namely:—

"(*1A*) No person shall be eligible for appointment as the Prime Minister unless he has completed the age of thirty-five years and is less than sixty years of age.

(*1B*) The age of the Prime Minister shall be determined by such authority and in such manner as Parliament may by law provide.";

(*ii*) to clause (*2*), the following proviso shall be added, namely:—

"Provided that the Prime Minister shall cease to be the Prime Minister on attaining the age of sixty-five years.".

Amendment of article 164.

5. In article 164 of the Constitution, after clause (*1*), the following clauses shall be inserted, namely:—

"(*1A*) No person shall be eligible for appointment as the Chief Minister unless he has completed the age of thirty-five years and is less than sixty years of age.

(*1B*) The age of the Chief Minister shall be determined by such authority and in such manner as Parliament may by law provide.

(*1C*) The Chief Minister shall cease to be the Chief Minister on attaining the age of sixty-five years.".

STATEMENT OF OBJECTS AND REASONS

The Constitution lays down the upper age limit for holding a number of high offices, *viz.* the Chief Justice and Judges of the Supreme Court and a High Court, and members of a Public Service Commission. There is, however, no upper age limit for holding the office of the President, the Prime Minister and the Chief Ministers of States.

The object of this Bill is to provide for the upper-age limit for holding the Office of the President and in the case of the Prime Minister and the Chief Ministers to provide for the minimum age limit and the upper age limit for holding these offices.

Hence this Bill.

NEW DELHI;
The 16th August, 1973.

SHRI ARJUN SETHI.

BILL No. 80 OF 1973

A Bill to provide for precautionary measures by village and district authorities to avoid starvation deaths and for responsibilities therefor.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Starvation Deaths (Precautionary Measures and Responsibilities) Act, 1973.

Responsibilities of village and district authorities.

2. It shall be the responsibility of the village and district authorities to ensure that no death occurs due to starvation in the areas under their jurisdiction.

Panchayat to keep watch on food situation in their area.

3. Every village Panchayat shall keep a constant watch on the availability of foodgrains and other essential articles of daily consumption to the population in the area under their jurisdiction.

Zila Parishad and the District Board to take action on report to be furnished by Panchayat every month.

4. The President of each Panchayat shall furnish by the 5th day of every month a report to the Taluka or the Tehsil Board regarding the food situation in his area and the copies of the report so furnished shall be forwarded by the 10th day of every month by the Taluka or the Tehsil Board with their remarks thereon to the Zila Parishad and the District Board who shall take suitable action to meet the food situation indicated in the report.

Panchayat to submit weekly reports to District Board in case of acute food shortage.

5. In case the area under a Panchayat suffers from an acute shortage of food grains and other essential articles of daily consumption, the President of the Panchayat shall furnish a weekly report of the food situation, with his suggestions to improve the situation, to the District Board direct, and copies thereof shall also be forwarded by the President to the Panchayat Samiti, Taluka or Tehsil Board, Zila Parishad and the Panchayat Officer at the district level.

Tehsil and District Boards to help the Panchayat.

6. The Taluka or Tehsil Board and the District Board in co-ordination shall make all arrangements to rush the necessary supplies to the village and help the Panchayat in all possible ways.

Zila Parishad to co-ordinate.

7. Zila Parishad shall co-ordinate the activities of the Panchayat, the Taluka or Tehsil Board and the District Board in keeping the food situation under control.

Responsibility for starvation death.

8. In case there occurs a starvation death in the village, the village Panchayat, the Panchayat Samiti, the Zila Parishad, the concerned officers of Taluka or Tehsil Board and the District Board shall be responsible for such death.

Penalty for starvation death.

9. Where the various agencies of village and district authorities are responsible for starvation death under section 8, the President and members of the Panchayat, Panchayat Samiti, Zila Parishad and the concerned officers of Taluka or Tehsil Board and the District Board shall be liable to imprisonment which may extend to six months.

STATEMENT OF OBJECTS AND REASONS

Because of frequent droughts and crop failures due to uncertain rains and inadequate irrigational facilities and the consequential food shortages a large number of deaths occur in various parts of the country every year. Though the food shortage is one of the reasons for such deaths, yet the negligence and apathy on the part of the village and district authorities aggravate the situation and are often responsible for such deaths. If the administration is alive to the situation obtaining in the areas under their jurisdiction and take precautionary measures and timely steps to improve the worsening food situation, the starvation deaths can certainly be avoided. In case of such deaths, the various agencies of administation should be made responsible for that and be punished.

Hence this Bill.

SHRI HUKAM CHAND KACHWAI.

NEW DELHI;
The 22nd August, 1973.

BILL No. 78 OF 1973

A Bill further to amend the Child Marriage Restraint Act, 1929

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Child Marriage Restraint (Amendment) Act, 1973.

Insertion of new Section 13.

2. After section 12 of the Child Marriage Restraint Act, 1929, the following section shall be inserted, namely:— 19 of 1929

Child marriage permissible in certain cases.

"13. Notwithstanding anything in this Act, where the custom of child marriage with "Gohna" system is prevalent, a child marriage may be contracted for a minor by a person having charge of the minor whether as parent or guardian or in any other lawful capacity:

Provided that the 'Gohna' shall not be performed until the male and the female, who are the parties to the marriage, have completed the age of eighteen and fifteen years respectively:

Provided further that where any of the contracting parties dies before 'Gohna' is performed, it shall be deemed that the marriage had never taken place.

Explanation:—For the purposes of this Act 'Gohna' means a ceremony after the marriage when the bride is sent to the House of the bridegroom for consumation of marriage and staying with him permanently.".

STATEMENT OF OBJECTS AND REASONS

Actions of the majority of the people in India are guided by social customs and economic considerations. In many parts of the country child marriage is still prevalent. Though conservative ideas are also responsible for this but the economic conditions are more compelling. A father having a number of daughters finds it very difficult to arrange for the money for their marriage, one after another, after they are beyond the ambit of the definition of child as given in the Child Marriage Restraint Act, 1929. Also, his position becomes pitiable among the orthodox people who condemn him for having grown up daughters unmarried. In these social conditions, he finds it convenient to marry his daughters whenever circumstances are favourable to him financially. But the girl is not sent to the house of the bridegroom and she stays with her parents for years after the marriage. Generally, she is sent to the bridegroom's house and to stay with him only after she attains puberty. This custom is widely prevalent in many parts of the country and is called by the name of "GOHNA". Though the marriage takes place when the girl is a child yet the Gohna ceremony is generally performed after the girl attains puberty. But the Child Marriage Restraint Act, 1929 does not recognise this custom or system which has made the position of fathers of daughters very precarious socially and economically. Due to these peculiar circumstances, child marriages still take place in spite of legal sanctions against it. It would, therefore, be more appropriate, considering these practical difficulties of the people, to amend the Child Marriage Restraint Act, 1929 so as to permit child marriage with a provision that the Gohna, *i.e.*, sending the girl to bridegroom's house for consumation of marriage and for staying with him, shall be performed only after the bride and the bridegroom attain the age of fifteen years and eighteen years respectively, the marriageable age as provided in the existing Act. The proposed amendment would be in conformity with the existing Act and, at the same time, would solve the practical difficulties in the way of fathers who are poor and living among an orthodox people.

Hence this Bill.

NEW DELHI; M. C. DAGA.
The 7th September, 1973.

S. L. SHAKDHER,
Secretary-General.

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